

# **EXHIBIT A**



CHAD S. PEHRSON

cpehrson@kba.law

Salt Lake: 801.939.3698 San Diego: 619-371-5511

May 31, 2023

VIA US MAIL

Clinical Services Corporate Operations, Inc. (dba "Allucent")  
2000 Centregreen Way  
Suite 300  
Cary, North Carolina 27513

444 West Lake Street, SU  
Chicago, IL 60606

Registered Agent for Service of Process  
CT Corporation System  
160 Mine Lake Ct #200,  
Raleigh, NC 27615

Re: Demand to Cease Trademark Infringement

Dear Sir or Madam:

This law firm represents Alucent Biomedical, Inc., which has been operating under the Alucent Biomedical name in the United States for many years, including at least as early as November 1, 2017.<sup>1</sup> Alucent Biomedical is a privately held biomedical company working to transform the way vascular disease is treated. We develop and deploy advanced technologies to harness the body's own natural physiologic processes and structures to achieve sustained vessel patency. This includes utilizing a light source to photoactivate our small molecule compound during the process of permeating arterial tissues, creating and enhancing durable linking within the vessel's native connective tissue (a process often referred to in our materials as "lighting the way to sustainable patency"). The importance of light activation within the mechanism of action led to our selection of the name "Alucent."

Alucent Biomedical's registered marks (the "Alucent Biomedical Marks") include US Reg. no. 5535737 for ALUCENT BIOMEDICAL and US Reg. No. 5544706 for



<sup>1</sup> Beginning in 2014, the Company previously utilized the trademark "Alucent Medical."



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Printouts of the registration information for the Alucent Biomedical Marks are attached hereto as Exhibit A.

Each of the Alucent Biomedical Marks has been in continuous, open, widespread and nationwide use by Alucent Biomedical. Accordingly, Alucent Biomedical has built up valuable trademark rights, and the Alucent Biomedical Marks have become invested with substantial goodwill and consumer recognition.

It has just come to our attention you are offering closely related goods and services to those of Alucent Biomedical, and doing so under the mark ALLUCENT. The website <https://www.allucent.com/company/history> states as follows: “In the spring of 2022, Allucent came into being with the merger of several high-performance companies serving the specialized needs of small and mid-sized biotechs. Derived from the Latin verb alluceo, Allucent means to shine a light upon something or to create an opportunity. With a new name and bold branding, Allucent united the company and its employees under one purpose: putting the spotlight on biotech innovators and helping them deliver treatments to patients with unmet needs.” See Printout of Website, attached hereto as Exhibit B.

The ALLUCENT Mark and your uses of it are identical or substantially similar to the Alucent Biomedical Marks. Further, the goods and services you offer under the ALLUCENT Mark are such that they are directed to overlapping classes of purchasers, partners, consumers and vendors through overlapping classes of trade.

Accordingly, your use of the Allucent Mark is: (a) is causing, and is likely to cause further, confusion in the marketplace; (b) is causing irreparable injury to the valuable trademark rights and business of Alucent Biomedical; and (c) constitutes trademark infringement, trade name infringement, unfair competition, dilution, and false designation of origin or a false description of representation, all in direct violation of United States state and Federal laws (including the Lanham Act, 15 U.S.C. § 1114 and 15 U.S.C. § 1125(a)(1)(A)).

These laws provide Alucent Biomedical substantial remedies, including but not limited to injunctive relief, money damages and recoupment of attorneys’ fees.

Based on the foregoing, demand is made that your company, and all entities related to or under its ownership, management or control now or in the future:

(a) Immediately and permanently cease and desist from offering for sale, selling, providing, rendering, or advertising any goods or services, or otherwise doing business using the infringing trademark ALLUCENT and any confusingly similar variations thereof;

(b) Immediately and permanently remove any and all references to, or use of, the infringing trademark ALLUCENT and any confusingly similar variations thereof, from all advertisements, internet websites, and social media pages or accounts being used to



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promote your services under the infringing trademark ALLUCENT and any confusingly similar variations thereof;

(c) Immediately and permanently withdraw all applications for trademark registration that include the Allucent Mark for goods and services related to the Alucent Biomedical Marks, including but not limited to the following Serial Nos: 97372349; 97318078; 97318076; 97318073; 97318070; 97318068; 97318067; 97318066.

We trust that you will comply with the foregoing demands.

This letter does not purport to be a complete statement of law and facts and is without prejudice to our legal and equitable rights and remedies, all of which are specifically reserved

Best Regards,

KUNZLER BEAN & ADAMSON

A handwritten signature in blue ink, reading 'Chad S. Pehrson'.

CHAD S. PEHRSON

## **Exhibit A**



## United States Patent and Trademark Office

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# ALUCENT BIOMEDICAL

<b>Word Mark</b>	<b>ALUCENT BIOMEDICAL</b>
<b>Goods and Services</b>	IC 042. US 100 101. G & S: Research and development of pharmaceuticals, medical devices, and drug-device combination products for the treatment of vascular diseases. FIRST USE: 20171101. FIRST USE IN COMMERCE: 20171101
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	87749217
<b>Filing Date</b>	January 9, 2018
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	May 22, 2018
<b>Registration Number</b>	5535737
<b>Registration Date</b>	August 7, 2018
<b>Owner</b>	(REGISTRANT) Alucet Biomedical, Inc. CORPORATION DELAWARE 675 Arapeen Drive, Ste. 102 Salt Lake City UTAH 84108
<b>Attorney of Record</b>	Chad S Pehrson
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BIOMEDICAL" APART FROM THE MARK AS SHOWN
<b>Type of Mark</b>	SERVICE MARK
<b>Register</b>	PRINCIPAL
<b>Live/Dead Indicator</b>	LIVE

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<b>Word Mark</b>	<b>ALUCENT BIOMEDICAL</b>
<b>Goods and Services</b>	IC 042. US 100 101. G & S: Research and development of pharmaceuticals, medical devices, and drug-device combination products for the treatment of vascular diseases. FIRST USE: 20171101. FIRST USE IN COMMERCE: 20171101
<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.01.21 - Circles that are totally or partially shaded.
<b>Serial Number</b>	87749223
<b>Filing Date</b>	January 10, 2018
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1A
<b>Published for Opposition</b>	June 5, 2018
<b>Registration Number</b>	5544706
<b>Registration Date</b>	August 21, 2018
<b>Owner</b>	(REGISTRANT) Alucent Biomedical, Inc. CORPORATION DELAWARE 675 Arapeen Drive, Ste. 102 Salt Lake City UTAH 84108
<b>Attorney of Record</b>	Chad S Pehrson
<b>Disclaimer</b>	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "BIOMEDICAL" APART FROM THE MARK AS SHOWN
<b>Description of Mark</b>	The color(s) blue and green is/are claimed as a feature of the mark. The mark consists of a blue and green circle positioned to the left of the text "ALUCENT BIOMEDICAL" in blue.
<b>Type of Mark</b>	SERVICE MARK



**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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## **Exhibit B**



# History

## Putting the Spotlight on Biotech Innovation

In the spring of 2022, Allucent came into being with the merger of several high-performance companies serving the specialized needs of small and mid-sized biotechs. Derived from the Latin verb alluceo, Allucent means to shine a light upon something or to create an opportunity. With a new name and bold branding, Allucent united the company and its employees under one purpose: putting the spotlight on biotech innovators and helping them deliver treatments to patients with unmet needs.

## Company Origins

Allucent originated with CATO SMS, itself created by the merger of Cato Research and SMS-oncology in 2019. Cato Research, founded in 1988, was known for its ability to design and execute successful development strategies and guide creative new products through the regulatory process. SMS-oncology, founded in 2007, was a specialty oncology CRO recognized for delivering a complete range of clinical trial services and providing [strategic consulting](#) to companies developing anticancer drugs.

Previous acquisitions by CATO SMS included Array Biostatistics, a full-service biostatistical and statistical programming CRO, and Nuventra Pharma Sciences, one of the industry's leading providers of clinical pharmacology science and services. With these acquisitions, CATO SMS expanded its services to offer biostatistical consulting, analysis, programming, and cutting-edge modeling and simulation techniques to inform clinical trial designs and predict trial outcomes. In early 2022, CATO SMS merged with Pharm-Olam, a global clinical research organization delivering clinical trial services to organizations around the world.

## A Fully Integrated Global Company

Today, Allucent delivers innovative strategies and robust solutions based on over 30 years of background in [regulatory](#) trends, [therapeutic experience](#), and operational expertise. We share small and mid-sized companies' deep commitment to supporting breakthrough science by partnering with them to navigate the complexities of delivering novel treatments to patients.

With offices across North America, Europe, and the Middle East, Allucent has experience conducting trials in more than 60 countries, focusing on some of the most complex development areas including oncology, rare and orphan indications, and cell and gene therapies. Globally, Allucent has worked on more than 700 clinical trials, with [oncology](#) representing the majority.

## Contact Us

Let us partner with your team on bringing new therapies to light. Get in touch to get started.

CONTACT US

### Services

- Clinical Trial Operations
- Regulatory and Drug Development Consulting
- Government and Public Health Services
- Biometrics
- Clinical Pharmacology Modeling Simulation

### Therapeutic Expertise

- Oncology and Hematology
- Rare Diseases and Orphan Drugs
- Infectious Disease and Vaccine
- Cell and Gene Therapy
- Central Nervous System
- Autoimmune and Inflammation
- Allergy and Asthma

### Company

About Us

News

Events



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